

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IRACING.COM MOTORSPORT SIMULATIONS,
LLC, a Delaware Limited Liability Company,

Plaintiff,

V.

TIM ROBINSON, individually and d/b/a
www.ow-racing.com, www.torn8oalley.com and
www.First-Racing-Sucks.com,

Defendant.

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Civil Action No.

05-11639 NG

EXHIBITS A AND B TO
MOTION TO COMPEL

Certificate of Service

I, Irwin B. Schwartz, attorney for Plaintiff iRacing.com Motorsport Simulations, LLC, hereby certify that on this 15th day of February 2006, I filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to: Joseph F. Ryan, Lyne Woodworth & Evarts LLP, 600 Atlantic Avenue, Boston, MA 02210, counsel for Defendant Tim Robinson.

/s/ Irwin Schwartz

Irwin B. Schwartz

EXHIBIT A

PETRIE | SCHWARTZ LLP

IRWIN B. SCHWARTZ
ischwartz@petrieschwartz.com

December 13, 2005

By Facsimile

Joseph F. Ryan
Lyne Woodworth & Evarts LLP
600 Atlantic Avenue
Boston, MA 02210

Re: *iRacing Motorsport Simulations, LLC v. Tim Robinson et al.*
Civ. No. 05-11639-NG (D. Mass.)

Dear Joe:

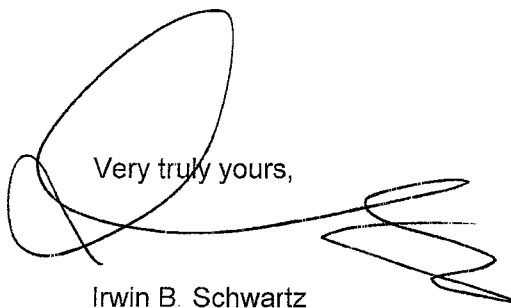
In an effort to narrow the open discovery issues before Wednesday's status conference, here are the discovery items that we need from your client that we believe he possesses based on his deposition testimony.

- 1) All files created and/or distributed by Robinson that work with or modify NR2003;
- 2) Source code (high-level language, assembly, or binary (hex)) of any program modifications developed by Robinson or others that were incorporated into Robinson's "mod";
- 3) Source code, configuration files, and executables for programs created or used by Robinson to patch NR2003.exe (other than commercial products such as UltraEdit);
- 4) Specific patch data for "mods" of NR2003 distributed by Robinson, whether developed by Robinson or received from third parties;
- 5) The step-by-step (repeatable) procedure for reproducing the modified .exe files distributed by Robinson;
- 6) The step-by-step (repeatable) procedure for creating Robinson's NO-CD version of his .exe file;
- 7) An inventory of all third party tools, advice, and information Robinson employed in modifying NR2003.exe (commercial and "shareware");
- 8) Source code for the NO-CD executable;
- 9) Description of the method of operation of the NO-CD executable;

Based on Mr. Robinson's obviously incomplete discovery responses we will want the Court to order him to produce these items as well as give us the right to conduct a forensic examination of his computers at home and the one running at his employer's site.

Joseph F. Ryan
December 13, 2005
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PETRIE | SCHWARTZ LLP

Very truly yours,

Irwin B. Schwartz

IBS/kh

EXHIBIT B

Dec 30 05 12:09p

JOSEPH F. RYAN

617-248-9877

p. 2

LYNE, WOODWORTH & EVARTS LLP

FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MASSACHUSETTS 02210
TELEPHONE (617) 523-6655
TELECOPY (617) 248-9877

WWW.LEGALNETLINK.NET
WWW.LWELAW.COM



EMAIL: JRYAN@LWELAW.COM

JOSEPH F RYAN

By Telecopier (617-421-1810)
December 30, 2005

Attorney Irwin B. Schwartz
Petrie Schwartz LLP
500 Boylston Street, Suite 1860
Boston, MA 02116

Re: iRacing.com Motorsport Simulations v. Tim Robinson
U.S. District Court 05-11639-NG

Dear Attorney Schwartz:

This will reply to the numbered paragraphs in your December 13, 2005 letter *seriatim*.

1. All files created and/or distributed by Robinson that work with or modify NR2003. — Robinson will produce copies of whatever files have not already been made available.
2. Source code (high-level language, assembly, or binary (hex)) of any program modifications developed by Robinson or others that were incorporated into Robinson's "mod.": — Robinson does not have access to iRacing's source code and did not create source code.
3. Source code, configuration files, and executables for programs created or used by Robinson to patch NR2003.exe (other than commercial products such as UltraEdit) — Robinson does not have access to the source code. Robinson does not believe he has anything beyond what is being produced in response to item #1. None of the files that Robinson created changed anyone's config files.
4. Specific patch data for "mods" or NR2003 distributed by Robinson, whether developed by Robinson or received from third parties. — If this is requesting something beyond what is being produced in response to item #1, Robinson requests a clarification of what is the meaning of "patch data."
5. The step-by-step (repeatable) procedure for reproducing the modified .exe files distributed by Robinson. — if this refers to the trial and error process that Robinson went through to create files, he does not have any documents describing that trial and error procedure. If this

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JOSEPH F. RYAN

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refers to instructions to users on how to copy, download or install files, Robinson does not have anything beyond what may be contained in the executable being produced in response to paragraph 1.

6. The step-by-step (repeatable) procedure for creating Robinson's NO-CD version of his .exe file. – If this refers to the procedure that Robinson used to create the file, Robinson has no documents. If this refers to instructions to potential users, Robinson did not prepare any instructions to potential users on how to download or install a NO-CD file.

7. An inventory of all third party tools, advice and information Robinson employed in modifying NR2003.exe (commercial and "shareware") – Insofar as this seeks an inventory of "advice and information" it is too vague and not reasonable, and it is beyond the scope of a document request to require Robinson to create such a document. Robinson did not use any third party programs beyond what he disclosed in his deposition.

8. Source code for the NO-CD executable. – Robinson has no source code.

9. Description of the method of operation of the NO-CD executable. – Robinson does not have any documents describing the procedure by which a NO-CD executable allows a user with a valid game to not rely on having their CD installed in a CD drive to startup and play the game. It is beyond the scope of a document request to require Robinson to create such a document.

Very truly yours,
LYNE WOODWORTH & EVARTS LLP

By



Joseph F. Ryan

jfr:tt
cc: U.S. Mail

Received Time Dec. 30. 1:07PM